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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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I hereby certify that the document(s) referenced herein are being deposited with the United States Postal Service, as First Class mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 9, 2004.

Mariah Moorhead (Depositor's Signature) Mariah Moorhead (Depositor's Name)

In re Application of: Fallin, et al.

Customer Code: 26799

Serial No.: 10/698,883

Group Art Unit: 2632

Filed: October 31, 2003

Examiner: Not Yet Assigned

For: INTEGRATED ELECTRONIC ARTICLE SURVEILLANCE (EAS) AND POINT OF SALE (POS) SYSTEM AND METHOD

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Date: June 9, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document(s) listed on the attached form PTO-1449. This Information Disclosure Statement is being filed prior the mailing date of any final action, notice of allowance, or an action that otherwise closes prosecution in the application.

The items listed on PTO-1449 were cited in an International Search Report (ISR) received from the European Patent Office in PCT application PCT/US03/34692, which claims priority to U.S. Provisional Patent Application Serial No. 60/449,481 and corresponds to this U.S. patent application. The ISR, a copy of which is enclosed herewith, was mailed on May 24, 2004, which is less than 3 months from the filing date of this Information Disclosure Statement.

A copy of the listed document and references are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute

"prior art". If the Examiner applies a document as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of the document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The Commissioner is authorized to charge payments of any fees required 37 CFR 1.17(p) and (i) to Deposit Account No. 19-1346.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. Cona', written over a horizontal line.

Frank A. Cona
Reg. No. 38,412

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	10/698,883
Filing Date	October 31, 2003
First Named Inventor	David B. Fallin
Art Unit	2632
Examiner Name	Not Yet Assigned
Attorney Docket Number	C4-1163

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date	
Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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